



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 6, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-92 Alford v. Superior Court, S098233. (D036869; 89 Cal.App.4th 356.)
Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the issues of (1) whether Evidence Code section 1045, subdivision (e), limits use of information disclosed pursuant to a Pitchess motion (Pitchess v. Superior Court (1974) 11 Cal.3d 531) to the proceeding in which disclosure was sought, and (2) whether the prosecutor has standing to be heard in such proceedings and to obtain information disclosed to the defense pursuant to such motion.

#01-93 Clayton-Brame v. Los Angeles County Dept. of Health Services, S098379. (B136679; 88 Cal.App.4th 1344.) Petition for review after the Court of Appeal reversed the judgment in a proceeding for a writ of administrative mandate. This case concerns whether the plaintiff in an action alleging discrimination in employment for the failure to promote must show a reasonable expectation of selection for promotion as part of his or her prima facie case.

#01-94 People v. Garcia, S097765. (B141994, B149050; 88 Cal.App.4th 794.)
Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense and denied a petition for writ of habeas

(over)

corpus. This case concerns whether an enhancement can be imposed on an aider and abettor under Penal Code section 12022.53, subdivision (e), for the use of a firearm in a felony that the jury finds was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22, subdivision (b), if the person who allegedly personally used the firearm was not convicted of the underlying felony.

#01-95 Valdez v. Clayton Industries, Inc., S098425. (B139582; 88 Cal.App.4th 1162, mod. 89 Cal.App.4th 860a.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Richards v. CH2M Hill, Inc., S087484 (#00-80), which concerns the extent to which the continuing violation doctrine permits an employee to recover for a pattern of discriminatory conduct that occurred over a long period of time and that commenced outside the limitation period of the Fair Employment and Housing Act.

#01-96 People v. Williams, S098153. (D035147, D036032.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense and denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in People v. Crayton, S085780 (#00-34), which concerns whether the trial court erred in failing to obtain an express waiver of the right to counsel in superior court when defendant expressly waived the right to counsel at the preliminary examination, and, if so, what prejudicial error standard applies.

DISPOSITIONS

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Garcia, 25 Cal.4th 744:

#01-39 People v. Cecil, S095563.

#00-16 People v. Cox, S084020.

#01-40 People v. Harness, S095327.

#00-04 People v. Kemp, S083297.

#00-126 People v. Lee, S090527.

#00-108 People v. Martinez, S089400.

STATUS

#00-81 Allen v. Sully-Miller Contracting Co., S088829. In this case, in which

briefing was previously deferred pending decision in Day v. City of Fontana, S08461 (#00-15), the court order briefing, limited to the issue of whether Civil Code section 3333.4 bars recovery of non-economic losses in an action by an uninsured motorist against a private construction company for premises liability.

#00-95 Haynie v. Superior Court, S089115. The court ordered review limited to the issues of (1) the definition of “investigations” for purposes of disclosure under the Public Records Act (Gov. Code, § 6254(f)), and (2) the scope of a responding public agency’s duty to “enumerate or describe” all responsive records.

#00-77 Konig v. Fair Employment & Housing Com., S087843. The court ordered review limited to the issue of whether the Fair Employment and Housing Commission may award damages for emotional distress in its housing discrimination proceedings.

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